

## Minutes of Plan Commission Meeting August 16, 2022

**Call to Order** – Mayor Nelson called the meeting of the Commission to order at 5:15 PM.

**Roll Call** – Present were Mayor Nelson, Phil Wedekind, Roy Franzen, Jim O’Neill, Tom Kolb, Barry Hartup, and Matthew Boegner.

Also in attendance were Tom Pinion, Tural Hasanli, Cody Pelton, Interim Police Chief Rob Sinden, John Statz, Kathy Klein, and Scott Turner.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Mayor Nelson noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Kolb, seconded by Wedekind to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Wedekind, seconded by O’Neill to approve the minutes of the July 19, 2022. Motion carried unanimously.

**Public Invited to Speak** (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) – There were no speakers.

### **Public Hearings**

- a. The request of Adolfo Morales and Ana Torres (Owners) and Tural Hasanli (Applicant) to grant an amendment to the original Conditional Use Permit to allow a second used automobile dealership that will mostly export cars to Europe to operate at 1341 Carpenter Street, Suite B, City of Baraboo, Sauk County, Wisconsin – Scott Turner address the Commission saying his property adjoins this property to the west. He does not feel that their lot is big enough and he will not allow them to gain access across his property. Although the owners stated that they would install fence across the opening on the southwest corner of the property, they have not. If they don’t do it soon, he will be placing rocks across the opening to prevent them from crossing his property to gain access. He said that it has taking them a long time to clean up that property. He said that there are still cars on the east side of the building and he feels that is where the roadway should be to access the back of their property.

Tural Hasanli then addressed the Commission. He said that he owns a trucking company and has hauled a lot of junk vehicles off the property to help Adolfo. He said that he would build a fence and have a concrete surface for the vehicle storage area. He went on to say that he will mostly export the vehicles overseas. He said he will operate a clean, quiet, and good dealership. He stated that a neighbor complained about tires and other junk on the property and all of that is now gone.

Mayor Nelson stated for the record that he received a letter from Trina Cromwell which was distributed to the Commission and Mr. Hasanli.

There being no further speakers, the hearing was declared closed.

- b. The request of Greenfield Reserve, LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 8 of Greenfield Reserve Subdivision to two side-by-side single-family attached residential dwellings at 923/925 Roosevelt Street, City of Baraboo, Sauk County, Wisconsin – There being no speakers, the hearing was declared closed.

### **New Business**

- a. The request of Adolfo Morales and Ana Torres (Owners) and Tural Hasanli (Applicant) to grant an amendment to the original Conditional Use Permit to allow a second used automobile dealership that will mostly export cars to Europe to operate at 1341 Carpenter Street, Suite B, City of Baraboo, Sauk County, Wisconsin – Pinion presented a detailed history of the property and provided a picture from a few years ago showing cars parked on the green space and in the City right-of-way, and two deep in front of the building. He said that this has improved in recent years, especially since he sent them an email and met with them on the 26<sup>th</sup>, they have made significant improvement of the condition of the site. He said last evening he received photos from a concerned citizen which still shows a boat, a dump trailer, and a camper still on-site. He said as a licensed dealership you have to have the ability to perform service on the vehicle that will be sold, or have a contracted service off-site.

He said from inception there was a little repair garage on the side of the existing building that they used, and he knows that they advertised taking vehicles for repair off the street that were not going to be sold, which was never part of the approval. He said that the Commission chooses to amend the conditional use he provided them with suggested conditions. He said that Adolfo has assured him that the septic system would be abandoned and the property connected to the City sanitary sewer. He said that if this is going to be amended a complete inspection of by the building inspector and fire inspector should be included. Pinion said in terms of what actions the Commission can do, the Plan Commission is required to hold a public hearing for conditional use permits, historically the Commission has been able to take care of things and decide to approve or not on the same night as the public hearing; however, City ordinance and Statutes give the Commission up to 60 days to render a decision. Kolb asked officers that were present if they are in compliance. Kathy Klein stated that they have made a lot of progress. She said that she has spoken with both Tural and Adolfo and explained the requirements of the conditional use permit and pointed the things out that were not in compliance, and they were given a written explanation of what they needed to do. She said that they have made progress, but still have many cars on the green space and she is huge into conservations and many of the vehicles are broken down and could be leaking many types of liquids. She then said that the space in front of the dealership was to be for customer parking only, and again is full of car that are for sale, so they try but then seem to take a step back. Wedekind feels that they have a long way to go to be in compliance. Kolb feels that have several warnings, there have been a blatant disregard for the conditions of the original CUP. O'Neill is inclined to say until they are in complete compliance with the original CUP he would not be in favor of any increased activity there. O'Neill moved to deny the request. Wedekind seconded the motion. Mayor Nelson asked if the Commission denied the request if there was a time limit before requesting another conditional use permit. Permit said that he would have to double check, but they would have to start from scratch with a new application and public hearing. The Commission discussed possible options to allow applicants to come into compliance in a period of time and coming back to the Commission. It was stated that the Commission has 60 days to render a decision. O'Neill and Wedekind withdrew their motions. Pinion said the way the Tuesdays fall on the calendar, two months would be October 18, which would be more than 60 days. He said that if the Commission waited two meetings, a decision would have to be rendered, and he believes that if no decision is rendered in 60 days, it is an automatic approval. Kolb feels that they have already had 60 days and officers said they have made some progress; however, when the Commission issues a conditional use permit, the applicant is expected to comply with the conditions of that permit, and it is obvious that it have not been. He said at best he would be willing to postpone it for 30 days and if they are not in compliance, deny it. Franzen agreed. Kolb moved to postpone until the September 20<sup>th</sup> Commission meeting to allow the owners to come into compliance with the original conditional use permit. Franzen seconded the motion. Interim Police Chief Sinden said that the problem has expanded into the property at 304 Lisa Court, so part of the problem now is having the owner at 304 Lisa Court in conjunction the owner of 1341 Carpenter, because the department has had a complaint for 304 Lisa Court. He said that over the past 3 years there have been 15 complaints and those two properties, five of which have direct relation to nuisance abatements. On roll call vote for the motion, Ayes - Wedekind, Franzen, O'Neill, Kolb, Hartup, Boegner, and Nelson. Nay - 0, motion carried 7-0.

- b. The request of Greenfield Reserve, LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 8 of Greenfield Reserve Subdivision to two side-by-side single-family attached residential dwellings at 923/925 Roosevelt Street, City of Baraboo, Sauk County, Wisconsin – Pinion presented the background to the Commission. It was moved by Kolb, seconded by Wedekind to approve the request as presented. It was stated that one half will be used as an office for the developer for the duration of the subdivision and then sold as a dwelling unit. On roll call vote for the motion, Ayes – Franzen, O'Neill, Kolb, Hartup, Boegner, Nelson, and Wedekind. Nay – 0, motion carried 7-0.
- c. Review and approve a two-lot Certified Survey Map Review for Greenfield Reserve LLC to create two Side-By-Side Single-Family Attached Dwellings in an R-3 and Four-Family Residential zoning district at 923/925 Roosevelt Street, being Lot 8 of Greenfield Reserve View subdivision and located in the NE1/4 of the SW ¼ of Section 31, T12N, R7E in the City of Baraboo, Sauk County, Wisconsin – Kolb moved, O'Neill seconded to approve the CSM as presented. On roll call vote for the motion, Ayes – O'Neill, Kolb, Hartup, Boegner, Nelson, Wedekind, and Franzen. Nay – 0, motion carried 7-0.

**Adjournment** - It was moved by Kolb, seconded by Wedekind to adjourn at 5:52 p.m. Motion carried unanimously.

Rob Nelson, Mayor